



FILED

06-13-06
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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pacific Bell Telephone Company d/b/a AT&T
California (U 1001 C),

Complainant,

v.

Fones4All Corporation (U 6338 C),

Defendant.

Case 06-03-013
(Filed March 10, 2006)

ASSIGNED COMMISSIONER'S RULING AND SCOPING MEMO

This ruling sets the schedule for the proceeding and determines its scope following a telephonic prehearing conference conducted on June 6, 2006.

Background and Scope of Proceeding

Pacific Bell Telephone Company d/b/a AT&T California (AT&T California) filed this application on March 10, 2006, alleging that Fones4All has improperly billed it for termination of intraLATA traffic by Fones4All. AT&T California alleges that Fones4All has overstated related call volumes. The complaint seeks refunds in the amount of about \$2.6 million plus interest, and credits for all alleged overcharges billed since September 2005. Fones4All contests AT&T California's assertions that Fones4All has improperly billed AT&T California for terminating intraLATA traffic, alleging generally that it has ignored an enforceable oral agreement that established the method of calculating

call volumes. It alleges that in any event AT&T California has not provided appropriate data for determining actual call volumes.

At the prehearing conference, the parties explained efforts to negotiate their dispute informally. Related discussions stopped in February 2006. They also discussed a complaint filed by Fones4All in federal court stating relating causes of action and seeking damages, which this Commission does not award. The court has referred the resolution of the factual issues to this Commission.

Schedule

The parties agreed to the following schedule for this proceeding:

Date	Event
June 13, 2006	Parties will inform the ALJ whether their clients seek an early neutral evaluation or the assistance of the Commission mediator
August 4, 2006	Complainant and Defendant serve opening testimony
September 5, 2006	Defendant and Complainant serve reply testimony
September 14-15, 2006	Evidentiary hearings at 10:00 a.m., Commission Courtroom, State Office Building, San Francisco, CA 94102

My goal is to resolve this case as soon as possible and I anticipate that the resolution will not exceed 12 months from the date of filing the complaint, pursuant to Pub. Util. Code § 1701.2(d).¹

¹ Section 1701.2(d) states that adjudication cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline.

Category of Proceeding

This proceeding is categorized as adjudicatory, and it is determined that hearings are necessary.

Ex Parte Communications

Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited in this proceeding.

Presiding Officer

Pursuant to Rule 6(c) of the Commission's Rules of Practice and Procedure, I designate Administrative Law Judge Kim Malcolm as presiding officer.

IT IS RULED that:

1. The schedule and issues are as set forth in this ruling, unless subsequently modified by the Assigned Commissioner or assigned Administrative Law Judge (ALJ).
2. This schedule may be modified to accommodate an early neutral evaluation or mediation should the parties seek either.
3. ALJ Kim Malcolm is the presiding officer in this proceeding.
4. Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited.

Dated June 13, 2006, at San Francisco, California.

/s/ RACHELLE B. CHONG
Rachelle B. Chong
Assigned Commissioner

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated June 13, 2006, San Francisco, California.

/s/ FANNIE SID

Fannie Sid

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